

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## OVERSEAS ELECTORS BILL

*Second Sitting*

*Wednesday 24 October 2018*

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CLAUSES 1 AND 2 agreed to.

CLAUSE 3 under consideration when the Committee adjourned till  
Wednesday 31 October at Two o'clock.

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Sunday 28 October 2018**

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**The Committee consisted of the following Members:**

*Chair:* MR LAURENCE ROBERTSON

- |  |   |
|--|---|
| † Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)                   | † Moran, Layla ( <i>Oxford West and Abingdon</i> ) (LD)           |
| † Clifton-Brown, Sir Geoffrey ( <i>The Cotswolds</i> ) (Con) | † Norris, Alex ( <i>Nottingham North</i> ) (Lab/Co-op)            |
| † Davies, Glyn ( <i>Montgomeryshire</i> ) (Con)              | † Skidmore, Chris ( <i>Kingswood</i> ) (Con)                      |
| † Dunne, Mr Philip ( <i>Ludlow</i> ) (Con)                   | † Smith, Chloe ( <i>Parliamentary Secretary, Cabinet Office</i> ) |
| † Elmore, Chris ( <i>Ogmore</i> ) (Lab)                      | † Snell, Gareth ( <i>Stoke-on-Trent Central</i> ) (Lab/Co-op)     |
| Gapes, Mike ( <i>Ilford South</i> ) (Lab/Co-op)              | † Stewart, Bob ( <i>Beckenham</i> ) (Con)                         |
| † Graham, Luke ( <i>Ochil and South Perthshire</i> ) (Con)   | Adam Mellows-Facer, <i>Committee Clerk</i>                        |
| † Lake, Ben ( <i>Ceredigion</i> ) (PC)                       |   |
| † Lopresti, Jack ( <i>Filton and Bradley Stoke</i> ) (Con)   |   |
| † Matheson, Christian ( <i>City of Chester</i> ) (Lab)       | † <b>attended the Committee</b>                                   |

# Public Bill Committee

Wednesday 24 October 2018

[MR LAURENCE ROBERTSON *in the Chair*]

## Overseas Electors Bill

### Clause 1

#### EXTENSION OF FRANCHISE FOR PARLIAMENTARY ELECTIONS: BRITISH CITIZENS OVERSEAS

*Amendment moved (17 October):* 2, in clause 1, page 2, line 39, at end, to insert “resident’ must be defined in regulations made by the Minister for the Cabinet Office or the Secretary of State”.—(*Christian Matheson.*)

2 pm

**Christian Matheson** (City of Chester) (Lab): I had covered most of the contents of the amendment last week, so I do not wish to repeat myself. I am keen that we make more progress in Committee today, Mr Robertson, with your guidance, leadership and permission.

I remind everyone that the amendment concerns the definition of a “resident”. Residence is an issue that affects domestic as well as overseas voters. Existing provisions include no clear definition of electoral residence, which is understood to mean a considerable degree of permanence. For example, someone with two homes who spends the same amount of time in each may therefore legally register at both addresses. That affects many hon. Members, who have a residence in London and one in the constituency.

We are now calling for clarity on the matter of residency. We are not alone. The 2016 interim report by the Law Commission recommended:

“The law on electoral residence, including factors to be considered by electoral registration officers, and on special category electors, should be restated clearly and simply in primary legislation”.

Two years later, the Government have not yet responded.

The Bill seeks to enfranchise millions of British overseas electors based solely on electoral connection to a past residence, but the definition of residency remains complex and vague. At the moment, a residence connects a person to a geographical area that has democratic representation. It provides a person with an electoral connection. There are questions, however, about untypical types of residency, such as an individual living in a mobile home or a boat, or couch surfing. Such cases can be difficult to capture with a universal understanding of “resident.”

A further special category of electors is categorised by the concept of notional residence, which ties an elector to a place even though he or she may not reside there. Such electors include merchant seamen, mental health patients, remand prisoners, service voters, overseas electors and homeless persons. Various legal devices are used to establish notional residence, notably a declaration of local connection.

In 2016 the Law Commission interim report cited one provisional view that

“one legal structure should govern all ‘special category’ electors.”

The detail of the law governing this special category is complex. There is widespread agreement that change is needed. The Scottish Assessors Association, representing registration officers in Scotland, stated that the law is “outmoded and contradictory” and called for a “clear and simple restatement of the law”.

The existing law does not give a definition of “resident” but provides indicators for registration officers to come to their own view. The amendment seeks to clarify this critical area of law before enfranchising millions of voters. The amendment requires the Secretary of State to propose a definition, which is needed by overseas voters with no physical presence in the UK for more than 15 years.

**Glyn Davies** (Montgomeryshire) (Con): The purpose of the Bill is to extend the franchise to British citizens overseas. Allowing citizens who were previously resident in the UK, as well as those previously registered, should they move overseas, goes a long way to achieving that. I suggest that to impose additional barriers in regulation goes against the grain of the measures set out in the Bill. The Minister will add a lot more information but I hope that, on the basis of what I have said and of her contribution, the hon. Gentleman will feel able to withdraw his amendment.

**The Parliamentary Secretary, Cabinet Office (Chloe Smith)**: It is a pleasure to serve under your chairmanship this afternoon, Mr Robertson. I thank the hon. Member for City of Chester for succinctly restating his arguments on a quite difficult subject. He was right to note today and last week that defining “residence”—what the amendment is about—is difficult.

As the Bill’s promoter, my hon. Friend the Member for Montgomeryshire, has set out, we who support the Bill do not want to put additional barriers in the way of people who want to register to vote in UK elections, and that is the principle we are putting forward. Our intention is that there should be a wide and open enfranchisement, so we are sceptical about placing additional barriers in the way, in the form of burdensome definitions that might introduce more complexity than solutions.

On a practical note, however, the question of the existing framework arises. The hon. Member for City of Chester explained that an outline is found in section 5 of the Representation of the People Act 1983. His argument is that we should create secondary legislation to go alongside that. I understand the arguments that have been made in other places, which are, as always, helpful contributions to the broader debate, such as those of the Law Commission and the SAA, but my alternative view is that it would be better to use ministerial guidance.

I draw the Committee’s attention to the new section 1G that clause 1 would insert into the Representation of the People Act 1985, which would provide that electoral registration officers must have regard to ministerial guidance in determining applications for overseas electors’ registration and renewal. It goes on to state what the guidance may cover, which includes determining whether a person satisfies the residence condition.

I think guidance is a better route than secondary legislation for assisting registration officers in the matter of how they may determine residence. I say that because

I do not want to put additional burdens of complexity or time on those who want to register. My hon. Friend the Member for Montgomeryshire has already made that argument. Also, perhaps we should leave things to the registration officers, who know best how to do their jobs. We discussed in the previous debate how much we welcome and value the way they do their jobs, and the hard work they put in. In my view, guidance would support them in their task better than would the time and complexity involved in trying to define things for them in legislation. It is better to leave it to their professional judgment to gauge residency, given the complexity of the task that both sides of the Committee have acknowledged.

I hope that my comments have been helpful to the Committee, and that the hon. Gentleman will feel able to withdraw the amendment.

**Christian Matheson:** I am grateful for the responses of the hon. Member for Montgomeryshire and the Minister. A definition of residence is still an outstanding requirement, arising out of the Law Commission's 2016 report. I suspect that as we extend the franchise we shall have to return to the idea of what constitutes a residence that will anchor overseas voters to a constituency. However, the Minister has addressed the concerns raised by the amendment. I am not entirely sure that I agree with her, but in the context of the Committee I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Alex Norris** (Nottingham North) (Lab/Co-op): I beg to move amendment 36, in clause 1, page 3, leave out lines 5 to 8 and insert—

“(3) The second condition is that the person making the declaration (‘the declarant’) proves that they qualify as an overseas elector in respect of the constituency by providing valid supporting documentation to the registration officer.

(3A) Valid supporting documentation for the purposes of proving qualification for the previous registration condition are—

- (a) a poll card, or
- (b) a letter from the appropriate local authority stating that the person was on the electoral roll at the appropriate time.

(3B) Valid supporting documentation for the purposes of proving qualification for the previous residence condition must include—

- (a) one document from List A, or
- (b) two documents from List B.

(3C) For the purposes of subsection (3B), List A documents include but are not limited to—

- household utility bill (such as gas, electric, water or telephone);
- full UK photocard driving licence with signature or ‘old style’ driving licence (including provisional or expired licences);
- bank, building society or credit card statement, or bank or building society passbook;
- local authority tax bill (e.g. council tax bill);
- local authority rent book;
- solicitor’s letter confirming house purchase or land registry confirmation, or an official copy of the land register or other proof of title;
- HM Revenue & Customs (Inland Revenue) tax document such as a tax assessment, statement of account or notice of coding;

original notification letter from the relevant benefits agency confirming entitlement to benefits or the state pension;

pension or benefit correspondence from the Department for Work and Pensions;

instrument of a court appointment, e.g. probate or court-registered power of attorney.

(3D) For the purposes of subsection (3B), List B documents include but are not limited to—

- payslip;
- employment document, such offer of employment or reference;
- school, college or university (or UCAS) document, such as offer of a place, or confirmation of attendance;
- insurance documents, such as full insurance schedule, or letter confirming insurance cover;
- student loans company letter;
- mobile telephone bill;
- other evidence prescribed in guidance given by the Minister.

(3E) To be valid supporting documentation, a document must contain both a date (which can be earlier than the date the declarant left the address concerned) and the declarant’s declared last address in the United Kingdom.”

**The Chair:** With this it will be convenient to discuss the following:

Amendment 3, in clause 1, page 3, line 34, after “name” insert “and date of birth”.

Amendment 4, in clause 1, page 3, line 35, at end insert—

“(aa) state either the declarant’s National Insurance number or the reason the declarant is unable to provide his or her National Insurance number.”.

Amendment 5, in clause 1, page 3, line 35, at end insert—

“(aa) state any previous full names held by the declarant in the period since they were last resident in the United Kingdom or registered and the reasons for any changes of name.”.

Amendment 6, in clause 1, page 3, line 35, at end insert—

“(aa) state the number and date of issue of a British passport held by the declarant or, if the declarant no longer holds a British passport, prescribed information relating to the nationality of the declarant.”.

Amendment 7, in clause 1, page 3, line 35, at end insert—

“(aa) state a telephone number for the declarant.”.

Amendment 8, in clause 1, page 3, line 35, at end insert—

“(aa) state an email address for the declarant.”.

Amendment 9, in clause 1, page 3, line 35, at end insert—

“(aa) state the declarant’s preferred means of contact by the registration officer.”.

Amendment 10, in clause 1, page 3, line 38, leave out “that the declarant is not resident in the United Kingdom” and insert

“state the country of residence of the declarant, and how long they have lived there.”.

Amendment 11, in clause 1, page 3, line 42, at end insert—

“(ea) state that the declarant is aware of the voting offences under sections 60 and 61 of the Representation of the People Act 1983 and associated punishments under sections 168 and 169 of that Act.”.

Amendment 12, in clause 1, page 3, line 42, at end insert—

“(ea) state whether the declarant intends to make absent voting arrangements or to vote in person at a polling station.”.

Amendment 38, in clause 1, page 3, line 44, leave out from first “requirements” to end of paragraph and insert—

“(fa) contain a valid attestation of identity under section [Attestation of identity].”.

Amendment 39, in clause 1, page 4, line 48, at end insert—

**“ICA Attestation of identity**

(1) A valid attestation of identity must contain attestations from two attestors.

(2) The first attestor must be a registered elector resident in the constituency in which the declarant wishes to be registered.

(3) The second attestor must be a registered overseas elector.

(4) An attestor must not be the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the declarant.

(5) An attestation must—

- (a) be in writing and signed by the attestor,
- (b) swear that, to the best of the attestor’s knowledge, the declarant is the person named in the declaration,
- (c) state the attestor’s British passport number together with its date of issue,
- (d) be dated on the date on which the attestation is made,
- (e) confirm that the person attestor is aware of the offence, under section 13D of the Representation of the People Act 1983, of providing false information to a registration officer, and
- (f) confirm that the attestor is a person of good standing in the community

(6) For the purposes of paragraph (5)(f), examples of a person of good standing in the community include, but are not limited to, the following or their local equivalents—

- accountant
- airline pilot
- articled clerk of a limited company
- assurance agent of recognised company
- bank or building society official
- barrister
- chiropract
- Commissioner of Oaths
- civil servant (permanent)
- dentist
- director, manager or personnel officer of a limited company
- director or manager of a VAT-registered charity
- director or manager or personnel officer of a VAT-registered company
- engineer (with professional qualifications)
- financial services intermediary (e.g. a stockbroker or insurance broker)
- fire service official
- funeral director
- insurance agent (full time) of a recognised company

journalist

Justice of the Peace

lecturer

legal secretary (fellow or associate member of the Institute of Legal Secretaries and PAs)

licensee of public house

local government officer

medical professional

member, associate or fellow of a professional body

Merchant Navy officer

minister of a recognised religion (including Christian Science)

nurse (Registered General Nurse or Mental Health Nurse)

officer of the armed services

optician

paralegal (certified paralegal, qualified paralegal or associate member of the Institute of Paralegals)

person with an honour (such as an OBE or MBE)

pharmacist

photographer (professional)

police officer

Post Office official

publicly-elected representative (such as MP, Councillor or MEP)

president or secretary of a recognised organisation

Salvation Army officer

social worker

solicitor

surveyor

teacher

trade union officer

travel agent (qualified)

valuer or auctioneer (fellows and associate members of the Incorporated Society of Valuers and Auctioneers)

warrant officers and chief petty officers.”

Amendment 19, in clause 1, page 6, line 11, at end insert—

“(aa) state either the declarant’s National Insurance number or the reason the declarant is unable to provide his or her National Insurance number.”.

Amendment 20, in clause 1, page 6, line 11, at end insert—

“(aa) state any previous full names held by the declarant in the period since they last made a renewal declaration and the reasons for any changes of name.”.

Amendment 21, in clause 1, page 6, line 11, at end insert—

“(aa) state the number and date of issue of a British passport held by the declarant or, if the declarant no longer holds a British passport, prescribed information relating to the nationality of the declarant.”.

Amendment 22, in clause 1, page 6, line 11, at end insert—

“(aa) state a telephone number for the declarant.”.

Amendment 23, in clause 1, page 6, line 11, at end insert—

“(aa) state an email address for the declarant.”.

Amendment 24, in clause 1, page 6, line 11, at end insert—

“(aa) state the declarant’s preferred means of contact by the registration officer.”

Amendment 25, in clause 1, page 6, line 14, leave out “that the declarant is not resident in the United Kingdom” and insert

“the country of residence of the declarant, and how long they have lived there.”

Amendment 26, in clause 1, page 6, line 15, at end insert—

“(da) state that the declarant is aware of the voting offences under sections 60 and 61 of the Representation of the People Act 1983 and associated punishments under sections 168 and 169 of that Act.”

Amendment 27, in clause 1, page 6, line 15, at end insert—

“(da) state whether the declarant intends to make absent voting arrangements or to vote in person at a polling station.”

**Alex Norris:** My hon. Friend the Member for City of Chester and I are doing some sort of double act. I shall speak briefly, but I shall leave a little meat on the bone for him as well. With amendment 36 I am seeking to clarify what documentary evidence the Government see as necessary to register as an overseas elector. Obviously, I hope that the amendment is accepted, but if not, I hope to come away with a clearer understanding.

Hon. Members, particularly the hon. Member for Kingswood, may note the plagiarism that I have committed in my amendment, as it comes from the October 2016 policy statement, “A democracy that works for everyone: British citizens overseas”. I have lifted the amendment from there and seek to put it in the Bill. The document says that the standard that I have written “may” be used and I am trying to change that to “must”. That is pragmatic and sensible, although I am mindful of the comments that I just heard from the Bill’s promoter the hon. Member for Monmouthshire and the Minister about hurdles, so I am less confident than when I drafted the amendment.

If an electoral registration officer needed to check on the registration of a domestic voter, they would just go to the property, but obviously that is not the case with overseas voters. Something more stringent will clearly be necessary to demonstrate the applicant’s eligibility to vote in the UK and in that constituency. The amendment supports EROs to do that and puts that clearly in law.

The broader context is that people will make attempts online to subvert democracy and to involve themselves in democracies—it astonishes me that people will go to such lengths, although not that they have an interest in doing so. If there are people out there who are willing to set up whole incredible industries to do that, it is not beyond the realms of possibility that, if they had the chance not just to influence public opinion but to generate votes, they would be minded to abuse that. We ought to have safeguards in place.

I am conscious that, if the Bill passes through all its stages in this place, we are talking about around 5 million new applications for voter registration, which is a lot for EROs to check. We need to have a clear standard if we are going to be accurate about voter identification and prevent fraud.

Under the current law, overseas voters must have previously registered in the UK, as we have said. As I mentioned last week, the EROs must then do some time-consuming research about an overseas voter—it takes about two hours for each one. That job is becoming harder, because the primary port of call for that research is previous electoral registers, which are becoming rarer as organisations are going paperless.

I was not successful in passing my amendment about rolling out the extension from 15 years more slowly on an annual basis, so we are going to have a section of people for whom it has been a long time since they were registered in this country. That will be very difficult for the electoral registration officers, so I am trying to change slightly the burden of proof on the individual. I do not think that is particularly onerous—indeed, it is the Government’s test, not mine. That is reasonable.

I will leave amendment 36 there. What I dislike most in politicians is hypocrisy, so I want to put on the record that I have been and will continue to be vocal about voter ID pilots. I am not enthusiastic about them and I think that, wittingly or unwittingly, they are suppressing voter numbers. I do not think that there is anything inconsistent about that view and the belief that there ought to be a higher standard for those for whom it is much harder to prove fraud, such as people living overseas. That is why there is a variance, and mindfully so. It is not a quiet hypocrisy that I hope hon. Members will let me get away with.

**Christian Matheson:** I share my hon. Friend’s views about voter ID. He talks about the higher standard to prevent fraud, but of course it is also a higher standard to be able to enforce the law on somebody who might be committing an offence in this country but is doing so from abroad while living abroad, and who therefore cannot be brought to justice.

**Alex Norris:** That is right. We would get into all sorts of problems around extradition and I cannot imagine that that is where we want to go. Having that standard at the front would therefore deter those things from happening later.

On amendments 38 and 39, which relate to attestation, again I am interested in probing and testing why the Bill is drafted in its current form, and whether we can gently beef up those attestation provisions. My amendment says that there should be two forms of attestation, one from an individual in the constituency where the elector is registering and one from an overseas elector. I think that would make it a bit more robust. Currently, all we are requiring is that the identity must be attested by another overseas registered elector who is not a close relative, and that person needs to be aware of the penalties.

2.15 pm

**Bob Stewart (Beckenham) (Con):** Does the hon. Gentleman mean that someone in the home constituency actually writes some sort of form saying, “I know this person. They lived here 15 years ago”? Is that what he is talking about, in practical terms?

**Alex Norris:** Yes, that sums up neatly, in practical terms, how it would work. My logic for this is that I think it is a really big thing—to the point of not being a reasonable or effective thing to ask—for an overseas

[Alex Norris]

British person to verify that another overseas British person lived in another place perhaps two decades ago, at least over 15 years ago. I know the Association of Electoral Administrators has said that applicants themselves struggle to remember what their address was, so to expect a third party to be able reliably to attest to where that individual lived, to the point where we would be happy for it to play a significant role in our democracy, is not quite tight enough for me. It is asking people to be a bit generous with what they are likely to know. I do not think it is realistic.

**Bob Stewart:** I thank the hon. Gentleman for giving way again. On that point, I am very worried, because some of my constituents who live abroad and have been lobbying me on this do not actually know anyone left in their home area. That remains a problem for them.

**Alex Norris:** I can understand that. However, the alternative is saying that they just need to know someone who lives abroad and is British. I will be interested to hear from the Bill's promoter the hon. Member for Monmouthshire and the Minister, and maybe there will be a Goldilocks solution somewhere in the middle, but I do not think it is sufficient as it is. Again, I think this is about trying to tackle fraud.

To conclude, amendments 36, 38 and 39 seek a clear understanding, so that on Report and at Third Reading we all know what we are signing up to, and what hurdles an individual will have to clear. I am mindful that the Bill's promoter the hon. Member for Monmouthshire said that he is not looking to put extra hurdles in place, which I understand, but we need to know confidently that this person is eligible to be registered in this way. I am really keen to know how that might work.

**Christian Matheson:** I rise in support of amendment 36, in the name of my hon. Friend the Member for Nottingham North. I will also speak to amendments 3 to 12, which are in my name. I will seek your guidance, Mr Robertson, about other amendments in this group.

I intend not to speak at length, so as not to repeat what my hon. Friend said. He made a general point about the need for a higher standard for overseas voters, because it is harder for electoral registration officers to verify their residency or identity, and he is concerned about fraud. He is absolutely right to be so concerned.

In response to the previous clause, the Minister spoke about leaving things up to electoral registration officers. Although I trust the skill and experience of electoral registration officers, I am concerned that there will be a lack of consistent practice across the United Kingdom when it comes to deciding what is acceptable proof of previous residency or a connection to that constituency. I ask the Minister or the hon. Member for Montgomeryshire to address the question of maintaining a consistent approach for electoral registration officers across the UK.

Many of the arguments for amendment 36 also apply to amendments 3 to 12, which carry the same goal as the one we have just discussed. They would put into the Bill the pre-existing guidance provided by the Government on declaration requirements, such as the need for a

national insurance number—that is now required for all domestic voters, so it should also be required for overseas voters—full name, passport details and awareness of any criminal penalty for a false declaration. I hope that Government Members will consider these amendments as further developing and pragmatically amending the Bill in order to create better legislation that is less vulnerable to electoral fraud and abuse.

The amendments include additional requirements, such as providing a telephone number, an email address, a preferred means of contact, country of residence and potential proxy vote arrangements. That would provide electoral registration officers with greater accessibility to overseas electors, and provide more data so that we could understand the demographic make-up of overseas electors. That is relevant in this context particularly in the context of some of the consequential amendments.

As my hon. Friend the Member for Nottingham North said, whereas an ERO querying a domestic voter can visit the address stated on the register—by definition, that will be in their borough, so it will be close to them—that is not possible for an overseas voter, so such checks at the point of registration become more necessary. By including requirements for information such as a national insurance number and passport details, we aim to create a more consistent approach to voting across the UK. Importantly, it would also make the system clearer for EROs. It would require applicants who could not provide a national insurance number to supply a copy of their passport at the time of application. The provision in the policy statement outlining that it is at the ERO's discretion whether an original copy of the passport is required would be limited to cases in which there was extreme doubt as to the validity of an application and/or the passport; hence the ERO would have to request the original documentation only if they were not happy with the copy that they had received.

May I seek your guidance, Mr Robertson? Would you like me now to move amendments 19 to 27?

**The Chair:** You can speak to them. You do not need to move them now, but you are very welcome to speak to them.

**Christian Matheson:** Perhaps the hon. Member for Montgomeryshire or the Minister would prefer to respond to my first points before—

**Chloe Smith:** I am happy to deal with all the amendments together.

**Christian Matheson:** Then with your permission, Mr Robertson, I shall follow the Minister's lead and speak to amendments 19 to 27, which are in my name. They essentially repeat the amendments on declaration requirements, but relate to the renewal of an overseas voting registration. I believe that the Bill has a number of areas of weakness regarding renewal requirements. If an elector is renewing using a paper form or email declaration, the information already held by the ERO—except for date of birth, for security reasons—may be pre-populated. If the elector is renewing on gov.uk, they will be able to declare that the information pre-populated in the reminder sent to them by the ERO remains true, rather than re-entering their address, for

example. That will further reduce the information required for a renewal. It is an attempt by the Government to make the renewal process easier. However, they must be careful to update the online processes.

The policy statement indicates that overseas applications can be renewed online if a voter declares that the information pre-populated in the reminder remains true. However, at present, only a new overseas application can be made online, as the online service is not available for the renewal of overseas applications. Instead, a renewal application must be made on paper. Alternatively, the applicant is required to go through the whole process of applying online as a new overseas application. These amendments are consistent with our other amendments and would make the process of re-registration more secure.

**Glyn Davies:** I understand the points that Opposition Members have made. We all agree that the only people who should be entitled to register to vote are those who are eligible. We have to have steps in place to ensure that registration is restricted to those people. The Bill includes a number of what I consider to be sensible and precautionary provisions to determine the identity of someone applying as an overseas voter for the first time or renewing their registration, which supplement the existing requirements of individual electoral registration and other provisions.

The proposals set out in these amendments go against the grain of the important change that the Bill aims to achieve. Our ambition is to make it not harder for British citizens to register or renew but more straightforward. The amendments would require all declarations from overseas electors to include two attestations. I submit that that is not proportionate. The Minister will give much more detail on these points, but I hope that on the basis of reassurances from me and from her, Opposition Members will feel able not to press their amendments.

**Chloe Smith:** I thank hon. Members who have taken part in this debate. It seems to me that this group of amendments is in large part about the difference between a “must” situation and a “may” situation. For example, the hon. Member for Nottingham North is proposing that a set of requirements must be fulfilled, as is the hon. Member for City of Chester. The opening position of the Bill is that those requirements may be fulfilled when registration officers require them. I think that is the key difference.

Two reasons have been offered for these amendments. First, the hon. Member for Nottingham North laid out that he believes there ought to be a higher burden of proof on overseas electors than on domestic electors. Secondly, the hon. Member for City of Chester said that he wishes to see consistency among registration officers’ work, rather than discretion. I disagree with both of those arguments.

First, the Government see overseas electors as equal to domestic electors and do not accept the principle that they ought to be treated differently—that is the principal point of the Bill. I will come on to the important points that have been raised about fraud. Secondly, as I said in the previous debate, we in this Committee want to convey great respect for the work that electoral registration officers do, which we do best by respecting

their professionalism and their ability to use discretion. From that position, we are proposing that they may—rather than must—ask for a set of requirements.

I will move on to the detail of the amendments—forgive me, Mr Robertson, but it may take me a while, as there is a fair amount in this group. First, let us deal with registration requirements. At the outset I can say that the Government are absolutely committed to maintaining the integrity of the electoral register and ensuring that only those who are entitled to register have an entry, which I hope is a common starting point for all of us.

As is the case under the current system, overseas electors will continue to be able to register using the digital service on gov.uk, as well as by using paper forms or, in some cases, by telephone. As a matter of status quo they are asked for their name, date of birth and national insurance number, and a range of other information. There is a separate attestation process for those who are unable to provide an NI number, but it is not a standard point. Again, that is a difference with the proposals made by the hon. Member for Nottingham North.

The Bill sets out that the declaration must

“contain any other prescribed information and satisfy any other prescribed requirements”.

That may include other information that is requested or a requirement for the declaration to be attested if necessary. Existing provisions, which date back to 2001, set out that information requested by administrators can include, but is not limited to, name and present address, previous name if that has changed since the last application, and passport number in some circumstances.

On the specifics of national insurance numbers, at present overseas applicants who cannot provide an NI number or who cannot be verified against existing Government records are asked to provide an attestation as proof of identity. Under new measures, if they cannot provide a national insurance number, they may be asked to provide a certified copy of their passport or other documentation. If that is not possible, they will still be able to have their identity verified by another British citizen who is registered to vote in the UK, through providing an attestation.

2.30 pm

As is the currently the case, those provisions will be contained in secondary legislation, and I can also confirm to the Committee that electors will be limited to providing attestations in support of a maximum of two applications. That is in itself an anti-fraud measure, and I think it is a proportionate measure.

The Government have committed to working with the Electoral Commission and administrators to provide greater clarity around the criteria for eligibility to be an attester, and we are also committed to looking at prompting those who cannot supply a national insurance number as part of their application to immediately send copies of documents directly to the relevant ERO, to avoid time being lost.

There will be a number of ways in which an applicant can have their previous address verified. They will include the use of the previous electoral register and local data that the ERO may have access to, and again we think that discretion is important as part of what an ERO is

able to do. Of course they will look for documentary evidence and, as I say, they will have attestations in their toolbox.

These provisions will be contained in secondary legislation, as are the current provisions on supporting evidence for registrations. I do not think it is a good argument to include that level of detail in the Bill, as I think the amendments propose, because that would make the Bill less flexible—that is obviously a classic primary and secondary legislation argument. We will of course work fully with the electoral community when we draft the secondary legislation, and naturally Parliament will provide final approval as it sees fit. The Government are clear that we should not be creating more barriers, and that we should respect the ability of EROs to use their toolkit to do their job.

I turn to telephone numbers and email addresses. Under the existing application process, overseas electors are required to provide their address or an address at which they may be contacted. They are also asked to provide an email address and a telephone number, but that is optional, for rather obvious reasons; not everybody has a telephone and/or an email address. If we were to make their provision a requirement, we would be at risk of disfranchising individuals because they did not have them. The argument that they should be requirements is not strong.

**Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): Does the Minister have any actual numbers to back up the suggestion that overseas electors may not have those things? I ask that because we could be talking about a relatively tiny proportion of the overseas electorate and, as my hon. Friend the Member for Nottingham North pointed out, the number of individuals who may be enfranchised under the Bill could run to the millions. Does she have some numbers that could put the flesh on the bones of that statement?

**Chloe Smith**: I thank the hon. Gentleman for asking for that information, but I do not have it, nor do I think it is relevant. We would not say to a category of domestic electors, “Don’t worry—if it’s only small numbers, you’re not coming in”, nor would we say, “If you don’t have an email address or a telephone number, you’re not going on the register.” No Member would dream of saying that to one of their constituents. We should use the same principle here. I do not think the numbers would help the hon. Gentleman’s argument, and in any case I can confirm that I do not have them with me in Committee.

One germane point, however, is that we have committed to encourage applicants to provide an email address, because it is rather obvious that when we are talking about sending communications around the globe, email may be one of the quickest ways. However, as I say, we recognise that not all applicants will have an email address, so it is not right to make that a legal requirement.

I will move on to country of residence. Currently, electors are not asked how long they have lived in their current country of residence, and I put it strongly to the Committee that again, that is irrelevant to one’s eligibility to register to vote. An individual could have moved from country to country very rapidly, but that would not reduce their Britishness—the key tenet of the Bill is that one is British however far one has gone. That does

not change whether someone has lived in a place for one day, 15 years or 15 years and one day, so I do not think it would serve a purpose for EROs to keep records of those periods of time in an elector’s life.

Moving on to voting offences, some of the amendments provide that the renewal declaration must require declarants to state that they are aware of voting offences under the RPA. I appreciate the basis on which those amendments have been tabled; as I said at the outset, we should all endeavour to reduce and indeed eliminate voter fraud and voting offences, but I am not sure that the renewal form is the right place to bring those offences to the attention of the elector. They are already brought to the attention of voters overseas, where they vote by post, in the postal voting pack that they receive. There is currently a requirement to include a statement on the initial application form that it is an offence to provide false information in the application and of the penalty for that offence, so we already have that. I do not think it is necessary to have more than that.

Furthermore, legislation currently prevents a person from having two declarations of the same date with different addresses and brings a declaration to an end if the same person seeks another declaration in a different constituency. That position will not change under the new proposals.

**Christian Matheson**: I am just seeking clarification: is there a mechanism by which the first constituency’s electoral registration officer is informed that the overseas voter has now registered in a second constituency and that the first constituency registration should therefore fall by the wayside?

**Chloe Smith**: It brings to an end the current or first declaration, as I say. I will be happy to confirm more precisely what that looks like from the position of the registration officer, which may be what the hon. Gentleman is asking for. The legal mechanism there is certainly that the first validity is brought to an end.

I come now to the absent voting arrangements proposed in amendments 12 and 27. I am not persuaded by what I see in those amendments that it is necessary to ask an elector whether they intend to make absent voting arrangements or to vote in person, because, like any other elector, they can change their mind. I am not in the business of trying to make arbitrary distinctions between overseas and domestic electors. Any elector is permitted to change their mind on that, so I am not persuaded of the purpose that would be served by those amendments.

Turning to renewal, there is no renewal process for electors with an overseas elector’s declaration. The declaration itself lasts for 12 months, so if somebody wishes to remain an overseas elector, they must make a fresh declaration every year. A renewal process is being introduced in the Bill, requiring less information, not more, from electors at the point of renewal. An applicant’s identity will have been established as part of their original registration, so there is no need for an elector to provide all the same information when doing it again.

We are allowing EROs to pre-populate forms with the relevant details, and the gov.uk site will allow electors to confirm that the information pre-populated in the reminder that has been sent to them remains true. We will introduce an online method of doing that, which is

a provision that does not currently exist but that we think will make re-registrations easier for voters. The Bill includes a power to make detailed provision on renewal declarations in secondary legislation; as with existing electoral legislation, I think that is the right place for the procedural details of applications.

The requirement for overseas electors to renew their registration annually is in close analogy to how we treat domestic electors, who have to reconfirm their details every year in order to appear on the electoral register. It helps to ensure that electoral registers remain accurate. As we all know, accuracy is one of the core measurements of the integrity of an election and of our democracy. As is currently the case, in the three months before a registration is due to expire, EROs will send two reminders to an elector that they need to re-register. The sending of those reminders will be made mandatory, and it will be possible to send them electronically.

Finally, I come back to attestations, which the hon. Member for Nottingham North began with. The amendments would require all declarations from overseas electors to provide two attestations—one from abroad and one from home. As I said at the outset, that is not the right approach, because it would create a fundamental difference between domestic and overseas electors. Currently, an attestation is needed only as a fall-back. The same may be the case for domestic voters, and comparisons could also be drawn with some of the more specialised processes that we use, for example for those who make anonymous registrations.

The key point is that to suggest that the fall-back position should be changed to a requirement of not only one attestation but two is quite unjust to an overseas voter. I return to my core point: these are voters and citizens like any other, and we should not seek to make that difference. It could be potentially fatally burdensome for a voter to have to find a person back at home to provide an attestation, as my hon. Friend the Member for Beckenham said.

I hope that my remarks have been helpful to the hon. Members who proposed the amendments. I thank them for their important probing of the Bill's details, but I hope they have been able to consider my response and will not press the amendments.

**Alex Norris:** I thank those who have contributed to the debate. I start with an apology; it has been brought to my attention that I referred to the hon. Member for Montgomeryshire as the hon. Member for Monmouthshire. He has been far too kind to correct me. As mitigation, I have been listening to the musical "Hamilton" more than is healthy, where the battle of Monmouth features, but I apologise.

I return to what the Minister said; I noted that she said overseas voters are equal to any of us and are citizens like any other. I do not dispute that at all. When we participate on election day we will be indistinguishable—we will all have the chance to contribute one vote. That is quite right and I do not think there was any suggestion of changing that.

However, the idea that they are citizens like any other does not reflect reality: they are not when it comes to verifying their eligibility at an address, because the electoral registration officer cannot go round their house. To be fair, if my electoral registration officer was offered the chance to go to the Bahamas to verify an overseas

voter, he might say yes to that. However, he is also the chief executive of our council so he does not have time. I do not think it is unreasonable to say that the challenges, and the potential for fraud, are different. Therefore, we might need to match our verification process to that situation in a different way. That is not unreasonable and I might want to press the amendment to a vote.

I was interested to hear the Minister say that we would not want people to fall out of the process because they do not have a telephone number or an email address. I have some sympathy for that argument. The direction of travel of voter ID pilots means that lots of people in communities such as mine who do not have passports, driving licences or any of the conventional ways to verify their address might be subject to the same rules. I hope that will not be the case.

**Chloe Smith** *indicated dissent.*

**Alex Norris:** The Minister shakes her head, which I am pleased to see. She is clearly passionate about equal access. As we follow the voter ID reforms that are being suggested, I will continue to remind her of that.

I will finish on localism. The Minister is not keen for amendment 36 to be in the Bill because she wants to leave the experts in the local community some leeway. I am a big fan of localism, but when it comes to our democracy and to the verification of voters, I do not think there is much of an argument for variation among communities. We ought to set a clear position in this place on the rules of the game, for everyone's benefit. If the voter ID pilots became standard across the board, would electoral registration officers be told, "We don't mind whether you want some sort of photo ID at a polling station."? I do not think they will have to be given leeway in that sense, so I do not see why there would be leeway in this sense. With that in mind, I will not contribute any further but I do intend to press for a vote.

2.45 pm

**Christian Matheson:** When I first read my hon. Friend's amendment 39, I confess I looked down the list of people of good standing in the community and got to "local government officer; medical professional; member, associate or fellow of a professional body",

but found no entry for Member of Parliament. I was obviously extremely concerned that my hon. Friend did not think that hon. Members were in good standing. Fortunately, further down the list, after "Post Office official", comes

"publicly-elected representative (such as MP, Councillor or MEP)". It was a matter of some relief to find that, Mr Robertson.

I thank the hon. Member for Montgomeryshire and the Minister for responding respectfully and fully to the amendments. The Minister started with the important point that overseas voters should be treated equally to domestic voters. In one crucial sense, that is absolutely true: their vote must be of equal value, wherever they are. That is the same across the United Kingdom. There are differences, however, in the current terms of registration. Within the framework of equality that the Minister talked about, the amendments seek to ensure that it is harder for malfeasance to take place.

[*Christian Matheson*]

My hon. Friend the Member for Nottingham North made a point about putting up barriers that I want to address to the Minister. The problem is that the Government are putting up barriers to people at the moment with voter ID projects, which they intend to roll out further next year. We await an announcement soon on which local authorities will undertake those pilots. The fact is that the Government are putting up barriers to people who vote domestically. Therefore, with great respect to the Minister, the claim that they wish to remove barriers rings rather hollow in this Committee Room.

I have a concern about attestations being provided on behalf of an overseas voter's registration, where that attestation is by somebody who perhaps was not in the constituency at the time that the overseas voter claimed they had a link with the constituency. There is the suggestion that under the Bill there is the possibility that we would simply have to take the word of the applicant that the attester had some knowledge that the applicant was in the constituency to which they lay claim. The amendments are about ensuring greater clarity and, I hope, greater rigour in the battle against fraud.

Finally, the Minister talked about consistency in electoral registration across the UK. I am grateful that she addressed that and that it was a question of "may" rather than "must". As my hon. Friend the Member for Nottingham North said, there is the question of not being able to check an individual. We should go for the highest standard in order to maintain the integrity of our registration process and our democracy. With that in mind, I ask that we put the amendments to the vote.

*Question put*, That the amendment be made.

*The Committee proceeded to a Division.*

**Sir Geoffrey Clifton-Brown** (The Cotswolds) (Con): On a point of order, Mr Robertson. I apologise for being late. As you hopefully know, I was in another Committee, two Committee Rooms up. I understood that when a vote is called, it is normal practice to allow three minutes for it to proceed, and I therefore seek your leave as to whether I can participate in this vote.

**The Chair:** I thank the hon. Member. It is actually two minutes that we have to allow, unless both Front-Bench spokesmen agree that we should move straight to the vote, so I am afraid that you will not be able to vote on this occasion.

*The Committee having divided: Ayes 6, Noes 7.*

## Division No. 2]

### AYES

Bradshaw, rh Mr Ben	Matheson, Christian
Elmore, Chris	Norris, Alex
Lake, Ben	Snell, Gareth

### NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	
Lopresti, Jack	Stewart, Bob

*Question accordingly negated.*

**Alex Norris:** I beg to move amendment 37, in clause 1, page 3, line 23, at end insert—

“(5A) An overseas elector's declaration shall be disregarded for the purposes of registration to vote in a particular parliamentary election if it received by the registration officer after 5pm on the nineteenth day before the date of the poll at that election.”

**The Chair:** With this it will be convenient to discuss new clause 12—*Closing date for electoral registration applications by overseas electors*—

“(1) The Representation of the People (England and Wales) Regulations 2001 are amended as follows.

(2) In regulation 56, after paragraph (7), insert—

‘(8) This regulation does not apply to applications by overseas electors.’

(3) After regulation 56 insert—

**‘56A Closing date for electoral registration applications by overseas electors**

(1) The provisions in this regulation relate to applications to vote by post or proxy by overseas electors in parliamentary elections.

(2) An application by an overseas elector under paragraph 3(6) or (7) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at that election.

(3) An application under paragraph 3(1) or (2), or 6(7) or 7(4) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at that election.

(4) An application under paragraph 4(1) or (2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at the election for which it is made.

(5) An application under paragraph 7(7) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at the election for which it is made.

(6) An application under—

(a) paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or

(b) paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy's appointment shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after—

(i) 5 p.m. on the eighteenth day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under paragraph 3(4) of Schedule 4, and

(ii) 5 p.m. on the thirteenth day before the date of the poll at that election in any other case.

(7) In computing a period of days for the purposes of this regulation, the same rules shall apply as in regulation 56.’

(4) The Representation of the People (Scotland) Regulations 2001 are amended as follows.

- (5) In regulation 56, after paragraph (7), insert—  
 ‘(8) This regulation does not apply to applications by overseas electors.’

- (6) After regulation 56 insert—

**‘56A Closing date for electoral registration applications by overseas electors**

- (1) The provisions in this regulation relate to applications to vote by post or proxy by overseas electors in parliamentary elections.
- (2) An application by an overseas elector under paragraph 3(6) or (7) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election and an application under paragraph 4(3) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at that election.
- (3) An application under paragraph 3(1) or (2), or 6(7) or 7(4) of Schedule 4 shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at that election.
- (4) An application under paragraph 4(1) or (2) or 6(8) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the thirteenth day before the date of the poll at the election for which it is made.
- (5) An application under paragraph 7(7) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the eighteenth day before the date of the poll at the election for which it is made.
- (6) An application under—
- paragraph 3(5)(a) of Schedule 4 by an elector to be removed from the record kept under paragraph 3(4) of that Schedule, or
  - paragraph 7(9)(a) of Schedule 4 by a proxy to be removed from the record kept under paragraph 7(6) of that Schedule,

and a notice under paragraph 6(10) of that Schedule by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular parliamentary election if it is received by the registration officer after—

- 5 p.m. on the eighteenth day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under paragraph 3(4) of Schedule 4, and
- 5 p.m. on the thirteenth day before the date of the poll at that election in any other case.

- (7) In computing a period of days for the purposes of this regulation, the same rules shall apply as in regulation 56.’

- (7) The Representation of the People (Northern Ireland) Regulations 2001 are amended as follows.

- (8) In regulation 57, after paragraph (6), insert—

‘(7) This regulation does not apply to applications by overseas electors.’

- (9) After regulation 57 insert—

**‘57A Closing date for electoral registration applications by overseas electors**

- (1) The provisions in this regulation relate to applications to vote by post or proxy by overseas electors in parliamentary elections.
- (2) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the twenty-first day before the day of the poll at that election.

- (3) Subject to paragraph (4) below, an application under section 7(1) or (2), 8(7) or 9(7) or (8) of the 1985 Act shall be refused if it is received by the registration officer after 5 p.m. on the twenty-first day before the day of the poll at the election for which is made.

- (4) Paragraph (3) above shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 55 above; and such an application shall be refused if it is received by the registration officer after 5 p.m. on the thirteenth day before the day of the poll at the election for which it is made.

- (5) An application under—

- section 6(4)(a) of the 1985 Act by an elector to be removed from the record kept under section 6(3) of that Act, or
- section 9(11)(a) of that Act by a proxy to be removed from the record kept under section 9(6) of that Act,

and a notice under section 8(9) of that Act by an elector cancelling a proxy’s appointment shall be disregarded for the purposes of a particular election if it is received by the registration officer after 5 p.m. on the twenty-first day before the date of the poll at that election.

- (6) In computing a period of days for the purposes of this regulation, the same rules shall apply as in regulation 57.’”

**Alex Norris:** Hopefully, by now, the pattern of what the Opposition are trying to do is emerging. From the beginning of last week’s sitting, my angst has been that we will put a burden on electoral registration officers, who are already overburdened—as they have been telling us—and who will struggle to meet the requirements that we are putting on them. What we are doing will have unwitting consequences, and last week I started with an attempt to phase it in gently. Obviously, I was not successful. I have just tried to ask for the burden of proof to be put on the individual, rather than the electoral registration officer. I have not been successful there either, so I have now fallen back on my final line, which is about time limits. I really think this is important, and I hope I can secure support on it because, as I say, while what we are doing is important, it is going to have unintended consequences.

What would amendment 37 and new clause 12 do, taken together? Simply, they would push back the deadline to register by one week to allow electoral administrators more time to process applications. In my view, the current timescale of registration deadlines does not work, and the amendment seeks to improve it. There is already concern among those who administer our elections, and more widely, about the timetable for postal ballot papers to go out to overseas voters, which is not easy. As much as we think that overseas voters are citizens like any others—which of course they are—in practical terms, it is harder to get something to and from them than it is to get something to and from me.

If we do not make the timetable amendment, people will be glad that the Bill has become law and enthusiastic that they are going to have a chance to vote, but we will have marched those people up the hill only for them to miss out for practical and probably quite unavoidable reasons, and they will rightly be disappointed. We know that that already happens and the more we increase the volume of applications, the more we increase the likelihood that it will happen.

[Alex Norris]

At the moment, I do not think that there will be sufficient time for the EROs to process applications, certainly the later ones. Letting the deadline fall back by a week is a practical solution and, I think, a good idea. At the moment, registration is set at polling day minus 12. Amendment 37 and new clause 12 would set registration at polling day minus 19, with similar extensions for proxy and postal voting of 13 days and 18 days respectively. That makes sense, because otherwise the deadline is too tight, as experience shows. That difficulty will only be increased by the volume, as I say, and the work that we are going to ask EROs to do will make it challenging.

I hope that we are mindful of this point, because we have said throughout last week's sitting and this week's sitting how much we appreciate the work of our electoral administrators. We now need to heed the call to give them more time.

**Christian Matheson:** I do not intend to speak for long on this amendment, because my hon. Friend the Member for Nottingham North has introduced it very well. It makes sense. It is not about making things harder, but about bearing in mind the administrative burden on electoral registration officers at a critical time.

In the 2017 general election, certain constituencies and polling registration areas had severe problems with the rush of late domestic voter registrations, with voters turning up at the polling station thinking that they had registered but finding that they were apparently not on the register. Therefore, it is sensible to allow electoral registration officers more time to make the registration.

The amendment is the result of a close examination of the current overseas registration deadlines. There is widespread concern that there is insufficient time in the parliamentary elections timetable for postal ballot papers to be sent out and returned by overseas voters in time to be counted on polling day. Indeed, many overseas voters were faced with the disappointing scenario in which they registered too late for their postal vote to be received and returned in time to be included in the count.

In many cases, there is simply insufficient time for the ERO to process last-minute applications and check for previous revisions of registers. A practical solution is needed because that is a recurring issue. Proper consideration needs to be given to the election timetable to allow time for a significant volume of applications to be processed. People who make applications close to the deadline should still be able to cast their vote.

At the EU referendum in June 2016 and the UK parliamentary election in 2015, the processing and checking of overseas applications was a challenge. EROs tell us that they received a high volume of applications in an intense timeframe in the lead-up to each vote, due to the renewal laws.

As my hon. Friend the Member for Nottingham North said, the present registration deadline is polling day minus 12. His amendment seeks to add a week to that to make it polling day minus 19. Similar extensions are proposed for proxy voting and postal voting. The Bill will allow all eligible British citizens who have lived in the UK and who are now living overseas to be given a lifelong right to vote in parliamentary elections. In view

of the time limit being removed, consideration needs to be given to the deadline being brought forward for overseas electors to register, to allow sufficient time to process applications.

As we discussed in the debates about previous amendments, under the proposed legislation, EROs will carry out the complex tasks of checking previous revisions of registers, researching past residents—we have even heard of them having to go to the borough archivist to get verification—finding documentary evidence and verifying the residence of an overseas voter who may have lived abroad for decades. Subsequently, EROs must receive and verify the appropriate attestations.

In addition, sufficient time must be required for any absent voter arrangements to be fully put in place so that overseas electors can cast their vote at the election or referendum in time for it to be counted. My hon. Friend's amendment would provide EROs with an extra week within which to process the applications. I am sure that the Department's guidance would be that overseas electors should register as soon as possible rather than leave it to the last minute, but that problem is prevalent among domestic voters as well, as I have mentioned.

Once again, we ask the Committee to consider the wellbeing of our hard-working electoral registration officers and their staff. The Bill places a tremendous amount of pressure on civil servants at a local level. Government cuts are already pushing electoral registration officers to their limit, as I referenced in the Committee's proceedings last week. The amendment gives respect to our electoral registration officers. It is good common sense to provide officers with the time to do their job properly and uphold the integrity of the register. The difficulties that EROs currently experience in registering overseas voters under the 15-year rule will only increase.

3 pm

The general election in 2010 was a similar example. The Electoral Commission's report on the administration of the 2010 general election told us that some overseas voters who had registered for a postal vote complained that they did not receive their postal ballot packs in time to vote in the election or did not receive them at all. The election timetable meant that the postal ballot packs could only be issued after 20 April 2010 at the earliest, leaving two weeks for ballot packs to be received by electors based overseas.

I reference one of the points the Minister made earlier about trying to treat voters equally. I thought that was a fair point. Depending on where an overseas voter lives, there will be an inequality in their ability to vote, simply because the postal service to France, say, is a whole lot quicker than the postal service to South America.

**Bob Stewart:** I thank the hon. Gentleman, my friend, for giving way. When we talk about 19 days, are we talking about 19 consecutive days or 19 working days? There is quite a difference. If we said 20 or 15 working days, that would make sense because, as I understand it, most civil servants do not normally work on a Saturday or Sunday.

**Christian Matheson:** I am proud to call the hon. Gentleman my friend. I say to the Committee again that a number of constituents of mine in Chester still reference the hon. and gallant Gentleman from when he was their

commanding officer, and do so with pride and affection. My good friend was ever a man for detail. I suspect that we would simply go with whatever is the current practice.

In 2010, the election timetable meant that postal ballot packs could only be issued after 20 April 2010 at the earliest, leaving two weeks for ballot packs to be received by electors based overseas, completed and returned to returning officers in the UK before 10 pm on 6 May.

**Chris Skidmore** (Kingswood) (Con): As a former Minister for the constitution, when it came to the 2017 general election I was assiduous in ensuring that we had international business post put in place, first class, so that we had the best possible service. In comparison with 2010, we tried to limit the delay.

Coming back to the timetable, I seem to remember from my distant memory of receiving briefings that one of the problems with the question of 19 days or 12 days is that part of the reason for the timetable's being handicapped in the way it is and being so late in the day is that they have to wait for close of nominations to take place in order to print the physical ballots, which are then sent out. All these things relate to each other in some kind of electoral Jenga process, which needs to be taken into account when it comes to looking at 19 days rather than 12 days.

**Christian Matheson:** I am grateful for that; the hon. Gentleman speaks with experience as a former Minister in this area. In that respect, he is absolutely right. The one thing I will not do—not least because I have not tabled an amendment on it, but I do not think I would table an amendment even if I could—is to suggest that, as a consequence of this amendment, we should somehow change the rest of the electoral timetable and change the closing dates for nominations. That would certainly open up a can of worms for electoral registration officers. I am grateful for that point; it is something we would need to take on board.

I am also grateful for the idea that speedy business post is necessary. I do not put a cost on democracy. As soon as we start to count the cost of democracy, we call that democracy into question. I simply make the point again that I think the Government would be picking up the election costs of sending more expensive post. That would certainly be my hope, in the context of difficult times for local government finances.

The Opposition support the call of the Association of Electoral Administrators for the Government to consider whether the deadline for overseas voters to register should be brought forward, to allow sufficient time to process and check previous revisions of registers.

**Glyn Davies:** I think we would all agree that it is important to strike the right balance by providing a system that is both accessible to overseas voters and workable for electoral administrators. I believe that the Bill will do that.

The Government have committed to continue to work closely with electoral registration officers to understand how the process can best be supported. With that assurance, I hope the hon. Member for Nottingham North will withdraw the amendment.

**Chloe Smith:** I will keep this brief. The Government absolutely recognise the time constraints that can arise when dealing with last-minute applications to register to vote, particularly those from overseas electors because, as we have already discussed, there is more toing and froing involved. For example, the Cabinet Office has fully funded the additional costs faced by local authorities for processing overseas electors and, indeed, all new burdens resulting from the introduction of individual electoral registration in 2014.

We have also already amended the timetable for parliamentary elections in order to maximise the time available for postal vote packs to be printed, posted and returned. It is the standing position to encourage electors to register as early as possible ahead of the registration deadline. I briefly mentioned earlier that introducing online re-registration would help somewhat because that will reduce time elsewhere in the process.

Taken together, those measures seek to avoid a peak of last-minute applications. However, in response to the amendments, I return to an argument that I have used elsewhere. I do not think it would be right to create another difference between overseas electors and UK resident ones, which is what would happen if different registration deadlines are set for both groups. Consequent to that, the process would run into the challenges articulated by my predecessor, my hon. Friend the Member for Kingswood, which is that there are other parts of the electoral timetable. He called it “electoral Jenga” and I think I might use that phrase myself. It is correct to say that a change in one part of the timetable would affect other important parts of it. That is simply how our democracy has to fit together in those final weeks. I would not want that to be put in peril or for a different approach to overseas and domestic electors to put anybody at a disadvantage.

I will also briefly point out a technical error in the proposed new clause. I never like saying such things to a Back-Bench Member. I know that the hon. Member for Nottingham North will have worked late into the night to pull this together, and I cast no aspersion on him or his efforts, but I think he might have intended to refer to the Representation of the People (Northern Ireland) Regulations 2008, which revoked those made in 2001. Given that the proposed new clause is technically flawed, I urge the Committee not to support it.

**Alex Norris:** I thank everyone for their contributions. To answer the substantive point from the hon. Member for Beckenham, the amendment relates to working days, because that is the language of the timetable. If 19 working days became 17 because of a weekend, the proposal would still get my support.

With regard to the hon. Member for Kingswood, we are lucky to have two successive Ministers for the constitution who really take this issue seriously, because that is not a given. I can understand that for the vast majority of people this stuff might seem a bit dry, but it is exceptionally important. It is also exceptionally important that those who lead take it seriously, and that is greatly appreciated.

I slightly disagree, however, with the hon. Gentleman's point, despite his neat reference to “electoral Jenga”. The one thing we know about that tangle of wires, which is how I would characterise it, is that many

[Alex Norris]

processes are going on simultaneously. I do not think that the proposed change would impact on the strand relating to the nomination of candidates. The example has been given of an individual whose only reason for seeking registration is their enthusiasm for a candidate whose place on the ballot is not secure, but that is a tiny part of a vaster whole and it would not be good to let it injure the whole process.

All electoral administrators will appreciate the kind words of the hon. Member for Montgomeryshire. However, I gently express my fear that, although we have been keen to support them and their hard work, I do not think that the Bill reflects that support. We have looked continually at the reports of 2016 and 2017, and at the survey work done elsewhere, but we have not followed their suggestions.

I am grateful for the Minister's gentle point about my typo. For that reason, I will not press the new clause to a vote. However, I still think that it would have taken the Bill in the right direction, and I ask Committee members to reflect on it.

The Minister regularly says that she does not want a distinction to be made between overseas electors and those living in the UK. I understand that, but that would not be the case—and nobody has suggested that it should be—when it comes to the substantive issue of their participation in democracy. In practical terms, however, there is an obvious difference between the two groups—some thousands of miles' worth in some cases. If we stopped people in the square to ask them whether overseas electors should be given more time to make an application and to receive and return a voting pack, I think that most of them would think that a sensible idea.

I will not press the amendment to a vote, because of the very good reason that has been pointed out. However, I hope that colleagues will continue to reflect on it. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Amendment proposed:* 3, in clause 1, page 3, line 34, after "name" insert "and date of birth".—(Christian Matheson.)

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 4, Noes 7.

#### Division No. 3]

##### AYES

Elmore, Chris	Matheson, Christian
Lake, Ben	Norris, Alex

##### NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob
Lopresti, Jack	

*Question accordingly negated.*

**Christian Matheson:** On a point of order, Mr Robertson. In view of the result of the Division, I will not put the remaining amendments in that group to a vote.

*Amendment proposed:* 38, in clause 1, page 3, line 44, leave out from first "requirements" to end of paragraph and insert—

"(fa) contain a valid attestation of identity under section [Attestation of identity]."—(Alex Norris.)

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 3, Noes 7.

#### Division No. 4]

##### AYES

Elmore, Chris	Norris, Alex
Matheson, Christian	

##### NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	Stewart, Bob
Lopresti, Jack	

*Question accordingly negated.*

3.15 pm

*Amendment proposed:* 39, in clause 1, page 4, line 48, at end insert—

##### "1CA Attestation of identity

(1) A valid attestation of identity must contain attestations from two attestors.

(2) The first attestor must be a registered elector resident in the constituency in which the declarant wishes to be registered.

(3) The second attestor must be a registered overseas elector.

(4) An attestor must not be the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the declarant.

(5) An attestation must—

- be in writing and signed by the attestor,
- swear that, to the best of the attestor's knowledge, the declarant is the person named in the declaration,
- state the attestor's British passport number together with its date of issue,
- be dated on the date on which the attestation is made,
- confirm that the person attestor is aware of the offence, under section 13D of the Representation of the People Act 1983, of providing false information to a registration officer, and
- confirm that the attestor is a person of good standing in the community

(6) For the purposes of paragraph (5)(f), examples of a person of good standing in the community include, but are not limited to, the following or their local equivalents—

accountant  
 airline pilot  
 articulated clerk of a limited company  
 assurance agent of recognised company  
 bank or building society official  
 barrister  
 chiropodist  
 Commissioner of Oaths  
 civil servant (permanent)  
 dentist  
 director, manager or personnel officer of a limited company  
 director or manager of a VAT-registered charity  
 director or manager or personnel officer of a VAT-registered company  
 engineer (with professional qualifications)  
 financial services intermediary (e.g. a stockbroker or insurance broker)  
 fire service official

funeral director  
 insurance agent (full time) of a recognised company  
 journalist  
 Justice of the Peace  
 lecturer  
 legal secretary (fellow or associate member of the Institute of Legal Secretaries and PAs)  
 licensee of public house  
 local government officer  
 medical professional  
 member, associate or fellow of a professional body  
 Merchant Navy officer  
 minister of a recognised religion (including Christian Science)  
 nurse (Registered General Nurse or Mental Health Nurse)  
 officer of the armed services  
 optician  
 paralegal (certified paralegal, qualified paralegal or associate member of the Institute of Paralegals)  
 person with an honour (such as an OBE or MBE)  
 pharmacist  
 photographer (professional)  
 police officer  
 Post Office official  
 publicly-elected representative (such as MP, Councillor or MEP)  
 president or secretary of a recognised organisation  
 Salvation Army officer  
 social worker  
 solicitor  
 surveyor  
 teacher  
 trade union officer  
 travel agent (qualified)  
 valuer or auctioneer (fellows and associate members of the Incorporated Society of Valuers and Auctioneers)  
 warrant officers and chief petty officers.”—(*Alex Norris.*)

*Question put*, That the amendment be made.

*The Committee divided*: Ayes 3, Noes 7.

#### Division No. 5]

#### AYES

Elmore, Chris	Norris, Alex
Matheson, Christian	

#### NOES

Davies, Glyn	Skidmore, Chris
Dunne, Mr Philip	Smith, Chloe
Graham, Luke	
Lopresti, Jack	Stewart, Bob

*Question accordingly negated.*

*Question proposed*, That the clause stand part of the Bill.

**Glyn Davies:** Clause 1 removes the existing 15-year time limit on British citizens voting in parliamentary elections, which is a very important principle. It makes no change to the eligibility to vote in different types of elections, such as elections to the European Parliament, local elections, mayoral elections, and police and crime commissioner elections, or to British citizens living in the UK.

**Christian Matheson:** We thought to test the hon. Gentleman and the Minister on clause 1, which is the main part of the Bill. We have raised concerns about the

ability of overseas voters to register to ensure that registration is fair and honest. We have also raised concerns over the extra workload that will be placed on EROs. As things stand, the amendments have not been accepted and we accept the proposal of the hon. Member for Montgomeryshire that clause 1 stand part of the Bill.

*Clause 1 ordered to stand part of the Bill.*

#### Clause 2

##### MINOR AND CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION

*Question proposed*, That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss the following:

That schedule 1 be the First schedule to the Bill.

That schedule 2 be the Second schedule to the Bill.

**Glyn Davies:** Clause 2 introduces schedule 1, which contains minor and consequential amendments, and schedule 2, which makes transitional provisions.

**Christian Matheson:** Much of the work of the Committee and the detail of the Bill is contained within clause 1. Clause 2 presents various minor and consequential amendments, as put forward by my good friend the hon. Member for Montgomeryshire—my hon. Friend the Member for Nottingham North has put this little worm in my ear that is stopping me from deciding whether it is Montgomeryshire or Monmouthshire, but it is Montgomeryshire. These are technical and consequential amendments and we see no reason why they should not stand part of the Bill.

*Question put and agreed to.*

*Clause 2 accordingly ordered to stand part of the Bill.*

#### Clause 3

##### EXTENT, COMMENCEMENT AND SHORT TITLE

**Christian Matheson:** I beg to move amendment 28, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [Report on awareness of how to participate in elections as an overseas elector] has been laid before Parliament.”

**The Chair:** With this it will be convenient to discuss new clause 5—*Report on awareness of how to participate in elections as an overseas elector*—

“(1) The Minister for the Cabinet Office or the Secretary of State must publish a report on levels of awareness of how to participate in parliamentary elections as a UK elector among—

- (a) persons entitled to vote as an overseas elector under the provisions of this Act, and
- (b) overseas electors in general.

(2) The report shall consider awareness of—

- (a) the law governing entitlement to qualify and vote as an overseas elector,
- (b) the processes of registering and voting, and

(c) other matters as the Minister for the Cabinet Office or the Secretary of State sees fit.

(3) The report shall set out any steps the Minister for the Cabinet Office or the Secretary of State intends to take to increase awareness of—

- (a) how to participate in elections as an overseas elector, and
- (b) the provisions of this Act.”

**Christian Matheson:** Amendment 28 requests a report on the awareness of how to participate in elections as an overseas elector. We heard in the discussion of previous clauses about the dangers of overseas electors piling in as soon as an election is called. We discussed with the Minister the importance of electors participating early by registering as early as possible.

Based on the 2016 survey conducted by the Electoral Commission, it is clear that there remains widespread confusion about what it means to be an overseas voter and the eligibility criteria necessary to vote. This lack of awareness has the potential to create a significant barrier to casting a ballot. The survey found that there was widespread lack of awareness about eligibility requirements, with 31% believing that eligibility required receiving a UK state pension and 22% believing that it required owning a property in the UK.

Knowledge about voting eligibility is surely at the heart of our democratic society. The Government must act to inform British citizens about the eligibility of overseas voters. Indeed, the survey found that, among the overseas citizens eligible to participate in UK elections who responded to this survey, the overriding reason for not registering to vote or participating in UK elections is a lack of awareness of the process of both. Therefore, the amendment calls for a detailed report to be made on how to participate in elections as an overseas elector.

**Glyn Davies:** The amendment would delay the enfranchisement of many overseas citizens who are calling for the right to vote in our elections. On that basis, the amendment is unjustifiable, and I hope the hon. Gentleman feels able to withdraw it.

**Chloe Smith:** I echo what my hon. Friend says. The new clause makes the important point that we should work to raise awareness of voter registration and how people should take part in our democracy. However, it would be wrong to delay the implementation of the Bill while we conduct that assessment, which is what the amendment asks us to do. Too many British citizens overseas have been denied the right to vote for too long and it is not right to say that implementing the Bill must be contingent on a report and an exercise.

The Electoral Commission runs campaigns before elections to ensure that people are aware of when and how to register to vote and anything else they need to know. As part of its public awareness campaigns ahead of elections, it has noted that it will

“run activities overseas and work closely with the FCO and others to ensure that newly eligible British citizens understand what they need to do to register.”

The Government will work with the commission in communicating the new provisions. I hope billions of citizens around the world are following our proceedings from this Chamber as we speak, but if that is not the

case, we have also committed to improving messaging on gov.uk, where people can find the information when they need it.

**Christian Matheson:** Having not pressed previous amendments to a vote that would provide greater time limits for electoral registration officers or for overseas electors to vote, I am concerned there will still be too much pressure or too little time for overseas voters. As part of the programme, there is a role for the Government and perhaps one of its agencies to promote eligibility, perhaps on gov.uk. I accept that the Minister has confidence in gov.uk, and will have to consider whether to press the amendment to a vote.

**The Chair:** The vote on amendment 28 comes now.

**Christian Matheson:** In that case, taking into account the Minister’s response, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Christian Matheson:** I beg to move amendment 29, in clause 3, page 8, line 11, at end insert—

“(2A) No regulations shall be made under subsection (2) until the report under section [Report on effects of extension of the franchise] has been laid before Parliament.”

**The Chair:** With this it will be convenient to discuss the following:

New clause 1—*Report on the effects on the number of registered electors*—

“(1) The Secretary of State must prepare and publish a report on the effects of the provisions of this Act on—

- (a) the number of overseas electors registered to vote in Parliamentary elections in each constituency, and
  - (b) the policy implications of any such changes.
- (2) The report must consider—
- (a) whether any differential effects on the electorates of constituencies necessitates a review of constituency boundaries, and
  - (b) the merits of creating one or more overseas constituencies.

(3) The report must be laid before Parliament within 3 years of the provisions of this Act coming into force.”

New clause 6—*Report on effects of extension of franchise*—

“(1) The Minister for the Cabinet Office or the Secretary of State must publish a report assessing the likely effects of the extension of the franchise in Section 1 of this Act and any measures necessary in response to those effects.

(2) The report must contain assessments of—

- (a) how many British citizens currently resident overseas are eligible to register as overseas electors, and how many are likely to be eligible if the 15-year time limits under sections 1(3)(c) and 1(4)(a) of the Representation of the People Act 1985 were removed;
- (b) likely demand for online registration services and how this demand should be met;
- (c) the effects of removing the 15-year time limits on the workloads of local authorities, including demands on electoral registration officers, and how any consequent resourcing requirements should be met;

- (d) any possible increased risk of electoral fraud by those purporting to be overseas electors related to the provisions in this Act;
- (e) whether current election timetables are of sufficient duration to enable the full participation of any increased numbers of overseas electors;
- (f) how the electorates of existing UK constituencies will be affected;
- (g) how the electorates of new constituencies recommended by the most recent reports of the Boundary Commissions for England, Wales, Scotland and Northern Ireland will be affected.”

**New clause 11—*Evaluation of the effects of the Act*—**

“(1) The Minister for the Cabinet Office or the Secretary of State must, within 12 months of the provisions of this Act coming into force, lay before Parliament a report evaluating the effects of the Act and the extent to which it has met its objectives.

(2) That report must include assessments of the effects on numbers of overseas electors registered in each parliamentary constituency.”

**New clause 15—*Report on electoral offences, overseas electors and the extension of the franchise*—**

“(1) The Minister for the Cabinet Office or Secretary of State must publish a report on electoral offences, overseas electors and the extension of the franchise.

(2) The report must include assessments of—

- (a) the effects of the extension of the franchise under the provisions of this Act on the incidence of—
  - (i) reports of electoral offences under the Representation of the People Act 1983, and
  - (ii) prosecutions for such offences,
- (b) the capacity of appropriate authorities to investigate and prosecute such alleged offences,
- (c) the number of reports of electoral offences under the Representation of the People Act 1983 alleged to have been committed by overseas electors—
  - (i) in the period since the provisions of this Act came into force, and
  - (ii) in a comparable period before the provisions of this Act came into force,
- (d) the number of prosecutions for electoral offences under the Representation of the People Act 1983 alleged to have been committed by overseas electors—
  - (i) in the period since the provisions of this Act came into force, and
  - (ii) in a comparable period before the provisions of this Act came into force, and
- (e) any steps to be taken to reduce the incidence of such electoral offences.”

**Christian Matheson:** The amendment is similar to one that has been laid by the hon. Member for Oxford West and Abingdon, which is about a report on the effects on the number of registered electors. It is essential that there is appropriate evaluation and investigation of the effects of passing the Bill on the number of registered electors in each constituency. We must have a clear idea about the sheer volume of people we are enfranchising in order to establish the necessary procedure to register and deal with the inevitable administrative bedlam that will result from the change.

In my previous contribution, I referred to administrative effects. Furthermore, the potential introduction of millions of new voters will undoubtedly have consequences for constituency boundaries. Indeed, while the Government are attempting to reduce the number of MPs from 650 to 600, attention perhaps needs to be paid to the great

swathes of potential new electors requiring representation across constituencies in the UK. How is it logical that the Government plan to reduce the number of MPs while potentially dramatically increasing the number of voters? Has the Minister considered the impact of enfranchising millions of new overseas voters for the current constituency boundary plans?

Under the 15-year rule, the number of registered overseas voters in the June 2017 general election reached just over 285,000, surpassing the December 2016 record. The Government have estimated that that is about 20% of eligible expats under the current 15-year limit, giving a potential electorate of around 1.4 million. Indeed, the figure has the potential to increase fivefold with the passing of the Bill.

The number of overseas voters registering to vote has risen exponentially over the last 10 years and continues to rise. That can be attributed to the general increase in awareness by overseas voters about voter registration. Until 2015, the number of overseas voters registered to vote had never risen above 35,000. The EU referendum in June 2016 surpassed that record, with nearly 264,000 registered overseas voters.

3.30 pm

Based on those statistics, there is no question but that overseas voters will have a great interest in casting their ballots once they are made aware of their ability to do so. It is therefore essential that the Government prepare for a scenario in which the majority of the newly enfranchised overseas voters resulting from the Bill register to vote. It is essential that they provide a report investigating the fall-out of that scenario on the volume of new electors required to be registered and the impact that that could have on our constituency boundaries.

Chair, I would appreciate your guidance at this stage. Shall I continue and discuss new clause 6 and beyond?

**The Chair:** They can all be discussed.

**Christian Matheson:** In that case, bearing in mind the time, I will plough on and try to get through it as quickly as possible.

Part of new clause 6 has already been covered. New clause 6 makes it clear that it is essential that a report is provided that details

“how many British citizens currently resident overseas are eligible to register as overseas electors, and how many are likely to be eligible”

if the 15-year time limit is removed following the successful passage of the Bill.

Subsection (2)(b) considers the impact of extending the franchise on the

“likely demand for online registration services and how this demand should be met”.

The Minister has touched on online registration briefly before. It currently acts as a central tool for registering overseas voters and takes part of the burden away from EROs. Overseas electors can now register online and no longer require another British passport holder to countersign the registration form, which reduces administrative work at a local level.

[*Christian Matheson*]

Paragraph 10 of the Government's policy statement says:

"Applicants will continue to be able to make applications using the register to vote service on GOV.UK, as well as by using paper forms or (in some cases) by telephone."

However, the Association of Electoral Administrators has outlined several practical issues with sustaining the online system after the 15-year rule is removed. The online platform struggles to stay up to date with new addresses as a result of frequent new housing developments. That problem will be exacerbated with the proposed removal of the 15-year restriction on overseas electors, as previous addresses from many years ago may no longer exist. If the proposed removal of the 15-year application restriction for overseas electors is enacted, the gov.uk online registration service will need to be adapted and improved to allow overseas applications to be made online even though the previous property may have been demolished and/or redeveloped.

I will try to canter through the rest, because I am concerned about the time. Subsection 2(c) considers

"the effects of removing the 15-year time limits on the workloads of local authorities, including demands on electoral registration officers, and how any consequent resourcing...should be met".

I touched on that in the Committee's meeting last week, especially the wellbeing of electoral registration staff and the integrity of our local system when staff are overburdened and either cannot process applications quickly enough or give scant regard to the credibility or integrity of an application because there are simply so many to deal with.

Electoral registration officers are valuable, skilled members of our civil service at a local level and provide the vital administrative work behind our elections. Increasing the number of British citizens overseas who are eligible to register to vote will add strain to the already stretched resources of electoral administrators. The Minister has previously indicated that additional resources will be given to meet those extra strains, and I hope that that pledge will continue. Before continuing with the Bill, the Government must consider in detail the effects of removing the 15-year time limit on the workloads of local authorities.

Subsection (2)(d) asks that proper consideration be given to the possibility of increased opportunities for electoral fraud as a result of the Bill. The Government have claimed a strict stance on electoral fraud in the UK, as we discussed earlier, by saying that they are committed to boosting confidence in our democratic process and to safeguarding elections against fraud. That is clearly evidenced by their plans to extend the requirement to show ID when voting. Some Opposition Members worry that that is more about voter suppression, but we have already had that discussion. It is a little absurd that the Government are trying to make it harder for people living in this country to vote by requiring them to show ID, while they are creating a system of overseas voters that is potentially wide open to abuse.

We previously discussed attestation rules. A sworn statement is not sufficient security to prevent fraudulent applications when legal proceedings are very unlikely to be taken forward, given that both applicant and attester are living abroad—that is something I discussed earlier

with my hon. Friend the Member for Nottingham North. Considering the strict rules enforced by the Government in UK voter ID programmes, we question how they can take such a hard-line stance on domestic voters but allow more lax rules for overseas voters. That goes back to the point that the Minister made earlier about treating voters equally.

Moving on to paragraph (e), relating to the previous discussion, it is also important that we consider

"whether current election timetables are of sufficient duration to enable the full participation of any increased numbers of overseas electors".

We have discussed polling day minus 12 being the present registration deadline. We therefore need a proper investigation to see how that works. Forgive me if I am going a little too quickly, but I am keen that we make progress with our consideration.

Paragraph (f) relates to

"how the electorates of existing UK constituencies will be affected".

That is perhaps the most important part of the new clause. With an estimated 5 million new voters being enfranchised, detailed provision must be put in place regarding how those voters will affect current UK constituencies. As the Minister knows well, the Opposition want a fair boundary system that benefits our democracy, not just the electoral interests of the Conservative party. Cutting the number of MPs by 50 while planning to enfranchise 5 million new voters is beyond illogical. Clearly the political context has changed significantly since the flawed proposals were first floated under the prime ministership of David Cameron, but the spread of new voters across the constituencies, and how they will be allocated, is crucial. There must be detailed consideration to prepare for that.

I would like the hon. Member for Oxford West and Abingdon to be able to speak as well. With your permission, Mr Robertson, I will sit down and return to new clause 11 shortly.

**Layla Moran** (Oxford West and Abingdon) (LD): Thank you, Mr Robertson, for allowing me to speak specifically on new clause 1. Many of the issues that I am trying to raise with it have been well described, not just today but in our session last week.

The new clause would require the Secretary of State to publish a report about the number of electors. We very much hope that many millions, if possible, of electors register. My concern is that we do not know where they will register, although we can guess. Many young people in particular may have last been in London before they got a job that allowed them to go abroad, so there is a chance that some constituencies could be artificially inflated in numbers and then have to be artificially made smaller geographically by the Boundary Commission to sort that out.

My worry about the Boundary Commission is that, as we all know, we should have had boundary changes already. It should have happened three years ago and it has not. The reason for having a report is not to pre-empt what it might say; we have to ensure that the issue of where overseas electors go is looked at promptly after the first possible point at which they are likely to register, which, let us face it, will be at the next general election.

**Bob Stewart:** I have a constituent living overseas who would be completely confused, because in the last nine years she would have had three constituencies. Assuming the boundary review goes through, she will not know where the hell she started from.

**Layla Moran:** I very much welcome that intervention because that is one of the many reasons the Electoral Commission proposes a solution—a solution that is in the Liberal Democrat manifesto.

The number of people who have registered to vote has inflated since the referendum, as it should. What is happening with the UK and Brexit has galvanised people's interest in having a say in what it means to be British, and the effect it is going to have on them abroad. In particular, those Britons who live in the EU, such as my parents, now have very specific issues. If Brexit happens, they will continue to have those issues. I hope that the negotiated settlement will sort out all of the issues with British citizens living in the EU and European citizens living here, but let us imagine that there will be things to iron out.

So the proposal is that the Government go away and, at this point, now that the political wind has changed, look at the possibility of overseas constituencies. New clause 1 does not suggest that we say now that that should happen; it simply asks the Government to make sure they come back to this House after the likely date of the next general election, having considered how many overseas electors are registered, where they are and what kinds of issues they have, so that as early as possible, this House has a proper chance to sort out what are likely to be a number of major kinks resulting from this very welcome Bill.

I will finish by raising my other concern, which is about the effect of large numbers of constituents coming into small numbers of constituencies, which then go through a Boundary Commission process that artificially shrinks the geographical size of those constituencies. Let us imagine that 70,000 people enter Oxford West and Abingdon. That is fine—I very much welcome them—but it means that my constituency, geographically, decreases by a third or two thirds. *[Interruption.]* Or whatever it may be. However, the current boundaries also take into account local authority boundaries and ward boundaries. There is a geographical link that matters to the people who live in the constituency. They have different needs from overseas electors. It is not just about having MPs who can specifically address the issues of those overseas electors, but making sure that MPs who are here can properly serve—in the geographical sense—the constituents who live on this land, in our communities.

**Christian Matheson:** One of my concerns about the Bill as it stands is that there is a lack of clarity as to which constituency an overseas voter might seek to join, and might be added to. That might artificially inflate the number of overseas voters in a particular constituency. Does the hon. Lady share my concerns?

**Layla Moran:** I absolutely share the hon. Gentleman's concerns. I also share concerns about increased workloads in certain parts of the country, should it be the case that overseas voters are not evenly distributed. We can probably assume—it is more likely than not—that they will not be evenly distributed.

To reiterate, all that new clause 1 does is ask the Government to ensure that, at the first available opportunity after the next general election, they come back and commit to considering all those points. It is not enough just to allow the Boundary Commission to do that, because these two things must be considered together. The Boundary Commission cannot say whether it wants overseas constituencies; that is a matter for this House to consider, and it should be a matter for the Government to consider, in conjunction with the change to the number of constituencies.

**Glyn Davies:** I must say that I do not appreciate it when Opposition Members say things that I agree with, as that makes my position a little bit difficult, but I want to emphasise that—as has been a trend today—the points that are being made by Members on the Opposition Benches are all reasonable. Our aim in resisting them is that we want to maintain the credibility of the Bill—it is a Bill that will achieve wide support—and make sure that it goes through.

As with amendment 28, which was tabled by the hon. Member for City of Chester, these provisions would postpone the enfranchisement of many overseas citizens who rightly want to vote in our elections. I stress that the Bill is a single-issue Bill, and I think the amendments are a distraction from that. I hope that hon. Members will not press their proposals.

3.45 pm

**Chloe Smith:** The first point that I want to make in relation to this pair of amendments—which goes more to the arguments made by the hon. Member for City of Chester—is that the Government have already produced an extensive impact assessment on the Bill, as would be expected. That report has, I am sure, been essential bedtime reading for all members of the Committee and many others. It is not necessary to carry out a second assessment of the kind of material that is already in the impact assessment, and I join to that a general point: it would be wrong to delay the enfranchisement of British citizens overseas through the publication of further reports. I see a common thread in a number of amendments, and I am not persuaded that we should hold on that enfranchisement until we have a library shelf full of reports.

Let me address some of the more specific details that have been raised. First, I stress again the Government's commitment to funding additional costs that arise from the proposed measures—I said that last week and I say it again. I send that message of reassurance out.

The hon. Member for City of Chester addressed the workload and concerns of administrators. We are addressing the costs, and I am very sympathetic to the arguments about their work. I work closely with the Association of Electoral Administrators, as well as other bodies, and I listen to administrators. I will carry on doing that as a matter of course. I do not need a report tied up with a bow to tell me to do it—I will do it week in, week out, because it is my role. None the less, let it be taken that I take that part of the proposal very seriously. I hope that has addressed that point.

On the issue of boundaries, discussed by the hon. Member for Oxford West and Abingdon, as she and all hon. Members know, boundary reviews are run by the

[Chloe Smith]

Boundary Commissions and take into account overarching electorate numbers—they make no distinction between overseas voters and domestic voters, and the way that the hon. Lady explained new clause 1 makes it very clear that that is the starting point we are all going from. It is also the case that the legislation that we work to requires that they are taken from a set point in time and that that will happen regularly into the future.

That legislation is absolutely supported by the Government. Whether we are or are not having arguments in other Committee Rooms at other points in our Wednesdays, we support regular reviews in the future that take into account overarching electorate numbers and, therefore, we do not need a further report that checks on those electorate numbers. The Boundary Commissions' work can properly take into account where overseas electors are and apportion them.

I very much understand the geographical point made by the hon. Lady. Were what she described to happen, I certainly would expect that to be a matter of discussion with the Boundary Commission. Independent as it is, I imagine that it would observe that phenomenon and wish to highlight it. I would be happy to look into the practicalities of that further if that work were to give rise to results that were surprising or undesirable. The Boundary Commissions are scrupulously independent, and quite rightly so, so I do not at all wish it to be heard from me today that I am suggesting that I would change their work—I am absolutely not—but I am saying that their work exists and does the data job that new clause 1 is asking for. I would be very happy to look into any further issues should they arise in the future.

Let me move on to the hon. Lady's other fundamental question, which was about the creation of overseas constituencies. She and I have discussed the matter before, and we are probably all aware that there are several ways in which it could theoretically be arranged. There is some variation around the world: some countries take the constituency approach, but generally other democracies that allow overseas voting use the connection principle, as we do. Our policy in the Bill is to continue with that principle, which requires electors to have a connection to the part of the country in which they last resided. That is a bedrock of British democracy and it is important to maintain it. I understand and respect the argument for a different configuration of voters, but I am not persuaded by it personally, and nor will the Government support it. Nor is it what my hon. Friend the Member for Montgomeryshire advocates in his Bill.

Several points were raised about new clause 6, which would require a report on voter fraud, and new clause 15, which would require a report on issues relating to offences committed as a result of the changes made by the Bill. Again, it is worth stating the general principle: the Government are absolutely committed to strengthening our electoral processes and enhancing public confidence in the rigour of democratic processes. I described earlier

how measures in the Bill will help to achieve that, such as the limit on the number of attestations per attester for overseas electors, which will guard against fraud.

Hon. Members can be confident that I am committed to maintaining and reinforcing our democracy and strengthening electoral integrity. There are certainly other measures now or soon to be before the House that relate to achieving that across our democracy. Do we need an extra report under the Bill to help us to do that? I do not think so. First, the Electoral Commission already publishes annual reports on electoral fraud in UK elections. That is an important safeguard, and it is the Electoral Commission's role to oversee it, rather than the Government preparing an extra report. Secondly, I do not believe that there is a body of evidence to suggest that fraud is a problem that relates specifically to overseas electors. The hon. Member for Nottingham North touched on that argument earlier today, but at this point I do not think there is an evidence base for pointing the finger at that issue.

There is no question of the Government or the Electoral Commission ceasing to keep voter fraud under review. We are vigilant about it, as indeed are the registration officers and local authority staff who manage these things—it is their role as much as anybody else's. All parts of the system are vigilant about voter fraud. We will keep all arrangements under consideration and make improvements where we see that they are needed. However, I do not accept that a report is necessary for that, as the new clauses argue. We would seek to do it anyway.

I hope that I have been helpful to the Committee by drawing out themes common to the amendment and new clauses. The key point is that I will continue to observe the practical implications for fraud and for the hard work of administrators, and the effect on our national data sets, of the distribution of voters across the country. I ask the Committee to agree that a report is not necessary.

**Christian Matheson:** I do not wish to detain the Committee. I am grateful to the Minister for her detailed response, and I have no problem with finding myself agreeing with the hon. Member for Montgomeryshire, whom I consider a friend. He is showing great patience as we test and probe the details of his Bill.

I remain concerned about the Bill's effect on constituencies, which the hon. Member for Oxford West and Abingdon raised, and about the lack of clarity about how voters might join a constituency. However, we have made decent progress today, and I thank hon. Members for their contributions. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Ordered,* That further consideration be now adjourned.  
—(Glyn Davies.)

3.56 pm

*Adjourned till Wednesday 31 October at Two o'clock.*